IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

WA.No. 432 of 2007()

AGAINST THE JUDGEMENT IN WPC.10640/2006 DATED 23.11.2006.

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APPELLANTS/RESPONDENTS:
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1. THE DIVISIONAL FOREST OFFICER,
   KOTHAMANGALAM DIVISION, KOTHAMANGALAM.

2. THE FOREST RANGE OFFICER,
   MULLARINGAD FORST RANGE,
   MULLARINGAD.

BY ADV. SHRI RENJITH THAMPAN, SPECIAL GOVERNMENT PLEADER FOR FOREST.
BY SRI.C.M.SURESH BABU, SPL.GOVERNMENT PLEADER FOR FOREST

RESPONDENT/PETITIONER IN W.P.(C):

K.K. RAMACHANDRAN NAIR,
KALLYAKKAL HOUSE, THALAKKODE,
KOTHAMANGALAM P.O.

BY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 25/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

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W.A. No. 432 OF 2007

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Dated this the 25th June, 2007

J U D G M E N T

H.L. Dattu, C.J.:

Questioning the correctness or otherwise of the judgment of the learned single Judge in W.P.(C) No.10640 of 2006 dated 23rd November, 2006, the State Government is before us in this Writ Appeal.

2. According to the learned Government Pleader, the learned single Judge is not justified in allowing the Writ Petition No. 10640 of 2006 filed by the respondent herein.

3. The learned single Judge, taking into consideration the fact that the vehicle in question had been seized by the authorities under the provisions of the Forest Act about 2 ½ years back from the date of filing of the Writ Petition and being of the same opinion as that of the learned District Judge, has directed the authorities under the Act to release the vehicle after accepting the compounding fee of Rs.2,000/-.

4. No doubt, the vehicle in question had been seized by the authorities for a minor offence of transporting firewood of the value of Rs.2000/- . The District Judge had passed an order directing the Forest authorities to release the vehicle, after accepting the compounding fee of Rs.2,000/-. Since the vehicle in question was in the custody of the Forest authorities for, nearly, a period of 2 ½ years from the date of filing of the

Writ Petition, the learned single Judge has thought it fit to allow the Writ Petition and was pleased to observe that his order shall not be treated as a precedent in any other case.

5. We have gone through the orders passed by the learned single Judge. The learned single Judge, in exercise of the extra ordinary jurisdiction, had come to the conclusion that interference is not called for in the orders passed by the learned District Judge.

6. Having heard the learned counsel for the parties to the lis, in our opinion, interference with the orders and directions issued by this court may not be necessary. Accordingly, appeal requires to be rejected and it is rejected. We also make it clear that our order also shall not be treated as a precedent in any other case.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

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